

REMARKS

The last Office Action of May 8, 2002 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-13 are pending in the application.

It is noted that the drawings are objected to because of applicant's failure to show every feature set forth in the claims. It is further noted that claim 13 is rejected under 35 U.S.C. §112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1-7 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 4,786,107 (hereinafter "Crocket").

Claims 1, and 8-11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,730,494 (hereinafter "LaPointe").

Claims 12 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over LaPointe in view of U.S. Pat. No. 5,155,496 (hereinafter "Suga")

OBJECTION TO THE DRAWING

Applicant submits herewith new Figure 1 to show the feature of claim 13. The specification has been amended to make it consistent with the amendments to the drawing. No new matter has been added.

Applicant has made amendments to the FIG. 1 in order to obviate the objection thereof. Withdrawal of the objection to the drawing is thus respectfully requested.

REJECTION OF CLAIM 13 UNDER 35 U.S.C. §112, FIRST PARAGRAPH

Applicant has amended the specification and the drawing to address the problems raised by the Examiner. These changes are self-explanatory, so that further discussion is not necessary.

Withdrawal of the rejection of claim 13 under 35 U.S.C. §112, first paragraph is thus respectfully requested.

REJECTION OF CLAIMS 1-7 UNDER 35 U.S.C. §102(b) AS BEING ANTICIPATED BY CROCKETT

The rejection under 35 U.S.C. 102(b) is respectfully traversed.

In order to clearly distinguish the present invention from Crockett, applicant has amended claim 1 by setting forth the rotational relationship of the output member to the component.

Crockett discloses a mechanism, whereby a chair is being lifted for ease of the sitter to sit down into the chair or to leave the chair. This is accomplished by providing a platform with a lifting mechanism. The chair is positioned on the platform and is lifted up. The mechanism at work is a lifting mechanism which is driven by a linear drive. The lifting mechanism consists essentially of a parallel-guided assembly. These are seen in Figs. 4 and 5. The parallel-guided assembly consists of the two stationary supported levers 68 and 72, coupled to each other. The assembly is driven by means of two levers 94, as seen in Fig. 3. The two levers are linked to the extending tube 86 of the linear drive 90. With this assembly the chair to be lifted is brought into a sloped position for ease of sitting or leaving.

The present invention operates differently since with a linear drive a shaft can only be rotated if a lever is fastened therewith. The present invention is thus provided with a rotary drive with an output member configured as a rotational body such as a toothed gear or a worm wheel. Such a drive can be directly coupled to an entry shaft of the lifting arm in order to adjust the components of a piece of furniture, for example, a chair.

The adjusting device of the present invention differs from the reference since it is not attached to a console or another type of load reducing part supporting the furniture, as for example disclosed in Crockett, where the chair is

attached to the console. Here the rotary drive is supported against the stationary support element (seen as reference 16 in the drawings) and the stationary support element is always a part of the piece of furniture.

Withdrawal of the rejection of claims 1-7 under 35 U.S.C. §102(b) is thus respectfully requested.

**REJECTION OF CLAIMS 1 AND 8-11 UNDER 35 U.S.C. §102(b) AS BEING
ANTICIPATED BY LAPOINTE**

The rejection is respectfully traversed. LaPointe discloses a complex lifting mechanism for a chair. However, the lifting in this reference is likewise done by means of a linear drive as also recited in column 7, beginning line 39. From the linear drive two motions are derived according to the principle of a spindle drive where the spindle is being driven and through the rotational movement, the spindle nut secured against rotation is moving in longitudinal direction of the spindle back and forth.

In contrast, the mechanism as claimed depends on the rotational motion of the rotary drive, specifically by the rotary output member. Furthermore, in LaPointe the supporting structure is the console itself, while the supporting structure as claimed is the piece of furniture itself.

LaPointe does not disclose such a drive nor does it disclose that the support member is associated with the furniture part.

For the forgoing reasons, the claims as amended is not anticipated by the LaPointe reference.

Withdrawal of the rejection of claims 1 and 8-11 under 35 U.S.C. §102(b) is thus respectfully requested.

REJECTION OF CLAIMS 12 AND 13 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER LAPOINTE IN VIEW OF SUGA

In view of applicant's amendment of claim 1, it is believed that neither LaPointe or Suga nor a combination thereof renders the claimed invention obvious, therefore the examiner's rejection is respectfully traversed.

It is not seen how the mechanism of a radio antenna of a vehicle can be combined with the lifting mechanism of LaPointe in order to arrive at the claimed invention. The motion range, for example as stated by the Examiner as relevant, of the mechanism of a radio antenna is foreign to the art of lifting devices. The dimensions of a lifting device designed for an radio antenna such as weight and size are out of context and therefore are believed entirely inapplicable since neither the structural realities nor the principles of lifting are related to the art at issue here. Since a combination of Suga and LaPointe is inconceivable, no further discussion thereof is believed possible.

Claims 12 and 13 which depends directly or indirectly from amended claim 1 and therefore contains all the limitations thereof, patentably distinguishes over the applied prior art in the same manner as amended claim 1.

Withdrawal of the rejection of claims 12 and 13 under 35 U.S.C. §103(a) and allowance thereof are thus respectfully requested.

CITED REFERENCES

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the newly submitted claims. It is thus felt that no specific discussion thereof is necessary.

CONCLUSION

Applicant believes that when the Examiner reconsiders the claims in the light of the above comments, he will agree that the invention is in no way properly met or anticipated or even suggested by any of the references however they are considered.

None of the references discloses a rotary drive for moving a movable component of a piece of furniture as claimed.

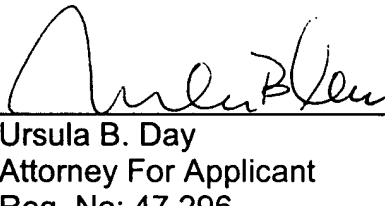
In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

The Commissioner is hereby authorized to charge fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

Respectfully submitted,

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**VERSION OF THE REPLACEMENT PARAGRAPH IN SPECIFICATION
SHOWING THE CHANGES MADE**

[0039]--The stationary stop member 25 is so operatively connected to the rotary drive mechanism 11 that the dc motor is cut as soon as the lifting arm 25 strikes against the stop member 25. In order to prevent a risk of damage, it is suitable to incorporate an overload relay ~~[(not shown)]~~ as schematically shown in FIG. 1 in the power supply line (not shown) of the rotary drive mechanism. The overload relay opens the motor circuit when the current in the circuit is excessive and exceeds a preset value, thereby providing an overload protection. The provision of a stop member for restricting a movement of the back portion 19 is simple and cost-efficient. Of course, the use of limit switches is also conceivable. Also, the stop member 25 may be resilient so that the increase of current becomes smoother, thereby further protecting the rotary drive mechanism 11.--

VERSION WITH MARKINGS TO SHOW CHANGES MADE:

1. (Amended) An adjustment device; comprising:
 - a lifting mechanism having a lifting arm articulated to a component of a ~~[stationary supporting structure]~~ piece of furniture for moving the component between two end positions;
 - a rotary drive mechanism having an output member for imparting a rotational motion relative to the component, and linked to the lifting arm;
and
 - stationary support means associated to the rotary drive mechanism and to the piece of furniture, for at least partially absorbing a load moment exerted during movement of the component.

IN THE DRAWING:

Amend FIG. 1 as per copy enclosed and indicated in red.



APPROVED
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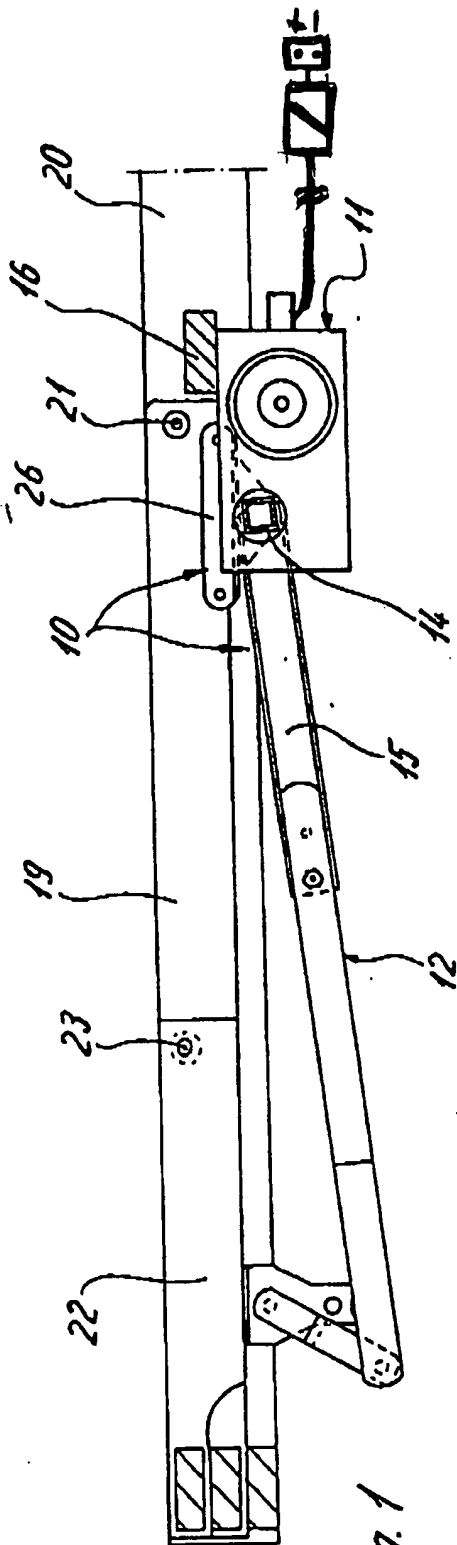


Fig. 1

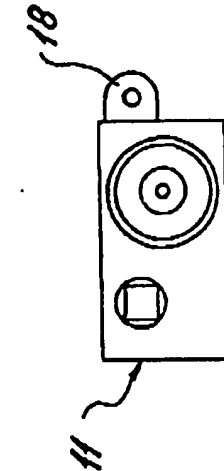


Fig. 2

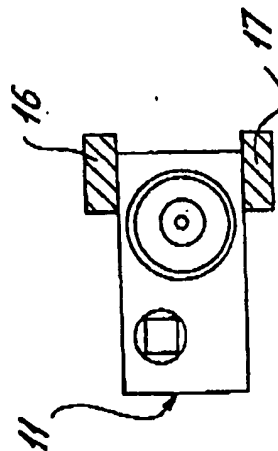


Fig. 3

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